

FILED  
U.S. DISTRICT COURT

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DISTRICT OF UTAH

## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

BY: DEPUTY CLERK

THE SCO GROUP, INC.

\* CASE NO. 03-CV-0294 PAK

Plaintiff

\* Appearing on behalf of: RECEIVED CLERK

v.

INTERNATIONAL BUSINESS MACHINES CORP.

\* PLAINTIFF

NOV 17 2003

Defendant.

\* (Plaintiff/Defendant)

U.S. DISTRICT COURT

## MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL

I, Mark F. James

, hereby move the pro hac vice admission of petitioner to practice in this Court. I hereby agree to serve as designated local counsel for the subject case; to readily communicate with opposing counsel and the Court regarding the conduct of this case; and to accept papers when served and recognize my responsibility and full authority to act for and on behalf of the client in all case-related proceedings, including hearings, pretrial conferences, and trials, should Petitioner fail to respond to any Court order.

Date: Nov. 17, 2003

*Mark F. James (5295)*

(Signature of Local Counsel) (Utah Bar Number)

## APPLICATION FOR ADMISSION PRO HAC VICE

Petitioner, David K. Markarian

, hereby requests permission to appear pro hac vice in the subject case. Petitioner states under penalty of perjury that he/she is a member in good standing of the bar of the highest court of a state or the District of Columbia; is (i) a non-resident of the State of Utah or, (ii) a new resident who has applied for admission to the Utah State Bar and will take the bar examination at the next scheduled date; and, under DUCivR 83-1.1(d), has associated local counsel in this case. Petitioner's address, office telephone, the courts to which admitted, and the respective dates of admission are provided as required.

Petitioner designates Mark F. James as associate local counsel.

Date: \_\_\_\_\_, 2003

Check here  if petitioner is lead counsel.*David K. Markarian*

FEE PAID

(Signature of Petitioner)

Name of Petitioner: David K. Markarian Office Telephone: (305) 539-8400

(Area Code and Main Office Number)

Business Address: Boies Schiller &amp; Flexner, LLP

(Firm/Business Name)		Street	City	FL	Zip
100 S.E. 2nd Street, Suite 2800			Miami		33131

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**BAR ADMISSION HISTORY**

COURTS TO WHICH ADMITTED	LOCATION	DATE OF ADMISSION
Florida Bar - All State Courts of Florida	All Florida State Courts	June 1985
U.S. District Court For Southern District of Florida	Miami - Dade County, FL	July 1986

(If additional space is needed, attach separate sheet.)

**PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT**

CASE TITLE	CASE NUMBER	DATE OF ADMISSION

(If additional space is needed, attach a separate sheet.)

**ORDER OF ADMISSION**

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

This 16<sup>th</sup> day of November, 2003.



Lyle A. Kibbe  
U.S. District Judge

blk

United States District Court  
for the  
District of Utah  
November 18, 2003

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cv-00294

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

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